REMARKS

Claims 1-17 are presented for examination. Claims 1 and 10 have been amended. No new matter has been added. Claims 1, 4-6 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,213,255 (Markel) in view of U.S. Patent No. 6,014,694 (Aharoni) and further in view of U.S. Patent No. 6,981,227 (Taylor) and further in view of U.S. Patent No. 6,807,550 (Li). The applicant respectfully submits that claims 1, 4-6, and 8-9 are patentable over the cited art, for the following reasons.

Amended independent claim 1 recites a client system comprising (among others) a bandwidth measurement device determining the bandwidth of a network connection over which a content file is downloaded, and a download manager retrieving and storing in a mass storage device a portion of a first file comprising video content and a second file comprising an interactive element, the size of the portion of the first file responsive to the bandwidth determination made by the bandwidth measurement device.

Markel is understood to disclose software programs for previewing combined video and interactive content. A computer in Markel includes an interactive TV (iTV) producer that is used to generate a combined video and interactive content stream. The iTV producer may comprise a software program loaded into the computer that receives a media object, such as video data, as well as an HTML object that comprises interactive TV content stored in a storage device. The iTV producer combines the HTML object and the media object in a desired fashion. (Col. 4, lines 1-13).

Markel does not disclose or suggest a download manager retrieving and storing in a mass storage device a portion of a first file comprising video content and a second file comprising an interactive element. Markel discloses an iTV producer receiving a media object, such as video data, as well as an HTML object that comprises interactive TV content stored in a storage device. Markel receives its entire media object and does not disclose retrieving and storing a portion of a first file comprising video content.

Further, Markel does not disclose that the size of the portion of the first file is responsive to the bandwidth determination made by the bandwidth measurement device. The Office Action states that Markel does not disclose this claim limitation and relies on Aharoni to cure the deficiencies of Markel.

Aharoni is understood to disclose a system for adaptively transporting video over networks wherein the available bandwidth varies with time. Aharoni discloses, in col. 5, lines 13-20, sending means for interfacing the video server to the rate controller and a bandwidth measurement unit for measuring the available bandwidth of the network channel. Col. 16, lines 34-39 of Aharoni state that if the "sender senses the bandwidth of the network connection being underutilized it increases the number of bytes online accordingly. Conversely, if the sender determines that the bandwidth of the network connection is being exceeded it appropriately lowers the sending rate accordingly." This is different than retrieving and storing a portion of a first file, where the size of the portion of the first file is responsive to the bandwidth determination made by the bandwidth measurement device. Aharoni does not disclose retrieving a portion of a first file and further does not disclose that the size of the portion of the first file is responsive to the bandwidth determination made by the bandwidth measurement device. Aharoni's lowering and increasing its sending rate based on the bandwidth of its network connection is not the same as the size of a portion of a file that is retrieved being responsive to a bandwidth determination. It therefore is submitted that Aharoni does not remedy the above-noted defects of Markel as a reference against claim 1, so that claim 1 is not rendered obvious by either reference or by a combination thereof.

Claim 1 also claims, in part, a presentation manager (i) retrieving the portion of the first file from mass storage, (ii) displaying with a standard media player application video content represented by the portion of the first file, (iii) retrieving the second file from mass storage, and (iv) displaying with a standard media player application the interactive element semi-transparently over the video content. With respect to element (iv) above, the Office Action states that Markel does not disclose this element and relies on Taylor to cure the deficiencies of Markel.

Taylor does not cure the deficiencies of Markel. Col. 7, lines 32-39 of Taylor discloses a display device that is simultaneously displaying a video and a user interface. Taylor's user interface and video each have a level of transparency. Taylor does not, however, disclose displaying with a standard media player application the interactive element semi-transparently over the video content. Taylor does disclose displaying a user interface with a level of transparency over video content, but Taylor does not

disclose displaying with a standard media player application the interactive element semi-transparently over the video content, as claimed in amended claim 1. It therefore is submitted that Taylor does not remedy the above-noted defects of Markel as a reference against claim 1, so that claim 1 is not rendered obvious by either reference or by a combination thereof.

Further, Li is understood to disclose a method and systems for providing random access of structured media content. Li discloses methods and systems for organizing and managing portions of a structured media content file that are or can be downloaded from a content provider such as a multimedia content server. Li is not understood to cure the above noted deficiencies nor to disclose the limitations claimed in amended independent claim 1.

Claims 4-6 and 8-9, dependent directly or indirectly from claim 1, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Markel in view of Aharoni and further in view of Li. It is submitted that none of the above-cited references, considered either alone or in combination, render obvious the invention defined in independent claim 1 for the reasons stated above. Any claim dependent from claim 1 is patentable over the cited references for the same reasons.

Claims 2-3, dependent directly from claim 1, were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Markel in view of Aharoni and Taylor and further in view of Li and U.S. Patent No. 5,583,561 (Baker).

Baker is understood to disclose a system and method for distributing real-time, compressed, digital video data from a video library composed of multiple mass storage devices through a digital video data server to large numbers of viewers via distribution networks. Baker is not understood to teach or suggest the above described elements of independent claim 1. Any claim dependent from claim 1 is patentable over the cited references for the same reasons.

Claim 7, dependent directly from claim 1, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Markel in view of Aharoni and Taylor and further in view of Li and U.S. Patent Publication No. 2003/0140349 (Kato).

Kato is understood to disclose an information display apparatus which enables an operator to perform a facilitated operation based on the information pertinent to a picture

displayed on a display device, using the picture as a clue. The display apparatus acquires, from an information source, an information container including the information for specifying the picture information, interprets the information container, then acquires and displays the picture information. When the operator has specified the picture information, the information display apparatus initiates the processing based on the related information pertinent to the so specified picture information. Kato is not understood to teach or suggest the above described elements of independent claim 1. Any claim dependent from claim 1 is patentable over the cited references for the same reasons.

Claims 10 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Markel in view of Taylor and further in view of Li. The limitations claimed in independent claim 10 and independent claim 17 are similar to the limitations claimed in claim 1. As a result, the applicant respectfully submits that claims 10 and 13-17 are patentable over the cited art, for the reasons described above.

Claim 11, dependent directly from claim 10, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Markel in view of Aharoni and Taylor and further in view of Li and Kato. For the reasons described above, any claim dependent from claim 10 is patentable over the cited references.

Claim 12, dependent directly from claim 10, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Markel in view of Taylor and further in view of Li and further in view of U.S. Patent Publication No. 2003/0163702 (Vigue).

Vigue is understood to disclose a system and method for secure and verified sharing of resources in a peer-to-peer network environment to facilitate efficient use of bandwidth. Vigue is not understood to teach or suggest the above described elements of independent claim 10. Any claim dependent from claim 10, such as claim 12, is patentable over the cited references for the same reasons.

Accordingly, it is submitted that none of the above-cited references, considered either alone or in combination, render obvious the invention defined in independent claims 1, 10, and 17. Any claim dependent from these independent claims are patentable over the cited references for the same reasons.

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for

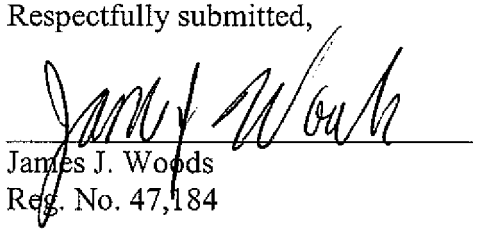
allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

The Applicant's attorney may be reached by telephone at 212-801-9220. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Date: August 29, 2008

Respectfully submitted,



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